Form DJ-12
(Ed. 4-26-63)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : J. Edgar Hoover
Director
Federal Bureau of Investigation

DATE: December 11, 1969

FROM : Richard G. Kleindienst
Deputy Attorney General

SUBJECT: Request under the Freedom of Information Act for Records Possibly Contained in the Files of the Federal Bureau of Investigation.

Mr. Tolson
Mr. DeLoach
Mr. W. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

The attached ~~enclosed file~~ relates to a request by Mr. Paul L. Hoch under the Freedom of Information Act, 5 U.S.C. § 552, for access to records possibly contained in the files of the Federal Bureau of Investigation. Specifically, Mr. Hoch seeks to obtain copies of the first page of each of four items alleged to be in the Bureau's "1A exhibit envelope pertaining to Lee Harvey Oswald." This Office would appreciate your assistance in the handling of the request.

The initial question of course is whether there are items fitting Mr. Hoch's description. He assumes that such items do exist for the reason that there is a handbill headed "Hands off Cuba" bearing the notation "1A5", which he claims refers to the fifth item in the "1A" envelope. He reasons that if there is an item "1A5", there must also be items "1A1" through "1A4". We understand that this may or may not be the case.

Assuming that the requested records exist, a determination must be made as to whether they shall be made available. The Freedom of Information Act requires the disclosure of official records not falling within the Act's exemptions. Where a record is covered by one of the exemptions, the agency is exempted from the Act's disclosure requirement and it may lawfully refuse to make the record available. In such a case, however, the agency remains free to disclose the document in the exercise of its discretion. Nothing in the Act requires that a record falling within an exemption be withheld.

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5 ENCLOSURE

REC-71 EX-117

DEC 31 1969

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CRIME RESEARCH

Memo Brannon-Sullivan Ing: mrl 12/15/69
Ltr to Deputy AG (enc 8) Ing: mrl 12/16/69

EXEMPTION 1

DEC 18 1969

12-12-31-69

Since a denial of a request for official records creates the possibility of a law suit against the agency which may result in a judicial interpretation adversely affecting the Government as a whole, we believe that requests for arguably exempt records should be granted unless there is a compelling reason for non-disclosure. Accordingly, we shall make the records available (assuming they exist) if you find no compelling considerations dictating that the records be withheld. Should this be your conclusion, please furnish us with the copies sought by Mr. Hoch in order that they may be transmitted to him. If, on the other hand, you find that disclosure would be contrary to the public interest, we will deny the request as involving items contained in "investigatory files compiled for law enforcement purposes" which are exempted from the Act's compulsory disclosure requirements by 5 U.S.C. § 552(b)(7).